

**Present: Chair Joseph Cardello, Ed Magill, Dr. Lucien Benoit, Bruce Santa Anna, John Flaherty, John Czyzewicz. Not present: John O'Donnell. Also present: Town Planner Michael Phillips, Assistant Town Solicitor Bob Rossi**

**The Chair called the meeting to order at 7:04 PM**

## **I. Approval of Minutes – February 22, & March 1, 2007**

**Mr. Santa Anna made a motion to approve the minutes of February 22 & March 1, 2007. Mr. Magill seconded the motion with all in favor.**

## **II Zoning Ordinance Review**

### **a. Section 6.12 Wetland & Water Body Setbacks**

**Mr. Phillips stated that a number of Board members expressed concern that many of the studies reviewed supporting the need for increased buffers show that a 100' buffer is effective in removing many of the pollutants. Mr. Phillips concurred and based on discussion with Mr. Rossi added a section that provides for a 100' foot buffer as long as it can be proven that the buffer is of sufficient quality to achieve pollutant attenuation.**

**(4) An ISDS may be located no less than 100' from the defined edge or channel of any river, stream or brook (including seasonal surface**

water body) or the edge of any bog, marsh, swamp or pond if it is proven that the buffer provided is sufficient to substantially attenuate pollutants from the ISDS. The applicant shall submit a site plan meeting the requirements of Section 7(1) with additional information necessary for the Planning Board to make a determination as to the quality of the buffer provided. Plans shall be prepared by a soil scientist, biologist or other qualified professional. Factors such as soil type, slope, depth to groundwater, ledge and vegetative cover are factors to be examined in assessing the quality of the buffer. Board may also consider the size of the wooded swamp or pond when assessing the adequacy of the buffer.

The Board discussed various aspects of this section and there was general consensus that adding this was appropriate. Attorney Rossi indicated to the Board that he was also concerned about the 150' buffer being defensible and feels that adding this section for a 100' setback is reasonable.

There was further discussion about procedures to measure minimum requirements of advance treatment systems. Mr. Cardello suggested that all numbers in the ordinance be backed up with specific sources, in order to assure that the thresholds are relevant.

Mr. Flaherty had concerns about the structure setback provisions in village areas where the buffer area may already be substantially developed. He wanted to see if exceptions could be made for these

village areas. Mr. Flaherty also felt that Section (F) a. seemed to belong in the Impervious Setback Section. Mr. Phillips stated that he would review this section and make the necessary adjustments.

#### **b. Code of Ordinances – Chapter 8, Article V Outdoor Furnaces**

Mr. Phillips explained that the Town Council asked the Town Solicitor to draft an ordinance that would regulate outdoor furnaces and that the Planning Board review the draft and make a recommendation.

Mr. Phillips gave a brief overview of the ordinance. The Board asked the Planner how many complaints had been received about these types of furnaces. Mr. Phillips indicated that he only knew of one complaint.

Mr. Phillips indicated that he felt that the Board should specifically look at the provisions of the ordinance dealing with the minimum lot size, setbacks and stack height etc.

There was general consensus among Board members that the ordinance as drafted was too restrictive as to the lot size, months of operation and setbacks.

The Board heard from a number of residents who had outdoor furnaces who felt that the ordinance was an over reaction on the part of the Town and that the ordinance stems from a neighborhood feud.

**Mr. Phillips indicated that while the ordinance as written may be overly restrictive, it was an attempt to regulate a use that does have the potential to impact public health. At a minimum, the setback issue should be addressed and there should be provisions that require a building permit be issued for this type of equipment.**

**After additional discussion with the planner about the specifics of the regulation the Board felt that they were not in a position to recommend revisions based on the information provided. Generally, the Board felt that the furnace ordinance, like the fence ordinance is being proposed to settle a dispute between neighbors and that the ordinance is not necessary.**

## **II. Planning Board Issues & Concerns**

**No items were heard.**

## **IV. Adjournment**

**Mr. Magill made a motion to adjourn the meeting at 8:50. The motion was seconded by Dr. Benoit, with all in favor.**

**Respectfully submitted,**

**Michael Phillips, Town Planner**